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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/763399	
	Filing Date	1/23/2004	
	First Named Inventor	Guadalupe C. Garcia	
	Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	4	Attorney Docket Number	GCG-102/CIP

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Dr. Ron Jacobs Reg. No. 50,142	
Signature		
Date	5/6/04	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	AGA Kleszcz		
Signature		Date	5/6/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





**In the United States Patent and Trademark Office**

Application No.: 10/763399  
Filed: 1/23/2004  
Title: "A Flexible Marker Device"  
Applicant(s): Guadalupe C. Garcia  
Examiner: Not Yet Assigned  
Art Unit: Not Yet Assigned

Mailed 5/6/04  
Palo Alto, CA

**Information Disclosure Statement**

Commissioner of Patents and Trademarks  
Alexandria, VA 22313

Dear Sir or Madam:

Attached is a completed Form PTO-1449 and copies of the pertinent parts of the references cited thereon. It is requested that the document(s) on the enclosed form be made of record.

**Part I (Authority)**

This statement is filed pursuant to:

(X) 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of the national applications; (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or (3) before the mailing date of a first office action on the merits, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

( ) 37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113 or (2) a notice of allowance under 37 C.F.R. § 1.311.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) (\$240), or a certification according to 37 C.F.R. § 1.97(e).

( ) 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(c).

Accordingly, this information disclosure statement requires the petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) (\$130), a certification according to 37 C.F.R. § 1.97(e), and a petition requesting consideration of the information disclosure statement.

**Conditional Petition**

It is respectfully requested that this information disclosure statement be considered, good cause being presented in Part III herein (certification). Please treat this paper as the required petition.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record.



To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

## Part II (Payment)

A check is enclosed as indicated:

- ☒ (X) No fee is due.
- ☐ ( ) The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$240).
- ☐ ( ) The petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) is enclosed (\$130).

## Part III (Certification)

Pursuant to 37 C.F.R. § 1.97(e), I certify:

- ☒ (X) No certification is necessary.
- ☐ ( ) (1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.
- ☐ ( ) The "communication from a foreign patent office" referred to in the certification is an International Search Report, possibly issued by the U.S. Patent and Trademark Office in its capacity as an International Search Authority or International Preliminary Examining Authority.
- ☐ ( ) The "counterpart foreign application" referred to in the certification corresponds to an ancestor or descendent application of the application for which this information disclosure statement is filed.
- ☐ ( ) (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

## Part IV (Additional Statement)

An additional statement regarding these items of information ( ) is, (X) is not, enclosed.

Copies of the cited documents ( ) are enclosed, ( ) are of record in parent application Serial No. \_\_\_\_\_ and will be provided if the Examiner deems it convenient.

Dated: 5/6/04

Respectfully submitted,



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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE <div style="border: 1px solid black; border-radius: 50%; width: 100px; height: 100px; display: flex; align-items: center; justify-content: center; margin: 10px auto;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: 8px;">OFFICE OF THE COMMISSIONER OF PATENT AND TRADEMARKS</div> <div style="text-align: center;"> <div style="font-size: 24px; font-weight: bold; margin: 0;">OIP</div> <div style="font-size: 12px; margin: 0;">MAY 10 2004</div> </div> </div>	ATTY. DOCKET NO. GCG-102/CIP SERIAL NO. 10/763399 APPLICANT Guadalupe C. Garcia FILING DATE 1/23/2004 GROUP Not Yet Assigned
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**LIST OF DOCUMENTS CITED BY APPLICANT**  
(Use several sheets if necessary)

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	RELEVANT INFORMATION
A	2 3 3 3 2 7 3	11/2/1943	Scanlon, et al.	Cl. 40-125
B	3 3 8 6 4 0 9	6/4/1968	R. E. Dawson	Cl. 116-63
C	5 8 8 8 0 1 6	3/30/1999	Ahn	404/10
D	5 9 9 3 1 0 5	11/30/1999	Chan	404/10
E	5 4 2 1 6 6 8	06/06/1995	Cowan et al.	404/6
F	6 4 9 9 8 5 8	12/31/2002	Hart	362/183
G	6 2 4 7 4 2 4	06/19/2001	Huang	116/63C
H	4 9 7 9 4 6 1	12/25/1990	Provence, Jr.	116/63C
I	3 1 3 2 6 2 4	5/12/1964	Shoemaker	116/63C
J	5 4 8 8 7 9 2	2/6/1996	Kwok	116/63C
K	6 4 9 9 8 5 8	12/2/2002	Hart	116/63C
L	6 1 1 9 6 2 1	9/19/2000	Johnson	116/63C
M	2 8 1 7 3 0 8	12/24/1957	Scanlon	116/63C
N	2 7 6 2 3 2 8	9/11/1956	Weig	116/63C
O	3 4 9 9 4 1 3	3/10/1970	Heard	116/63C
P	3 8 5 1 6 1 6	12/3/1974	Brown	116/63R
Q	4 0 0 6 7 0 2	2/8/1977	St. Cyr	116/63P
R	4 1 9 7 8 0 7	4/15/1980	Campbell	116/63P
S	4 2 5 6 0 5 0	3/17/1981	Barnard	116/63C
T	4 5 7 1 1 1 8	2/18/1986	Schmanski	116/63R
U	5 3 7 5 5 5 4	12/7/1994	Yen	116/63C
V	5 4 3 9 3 1 1	8/8/1995	Hughes	40/612

**FOREIGN PATENT DOCUMENTS**

	2-letter code	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION
					YES NO
W		DE 3940007A1	6/1991	DE	
X		FR 2618245A1	1/1989	FR	
Y		DE 3524084	1/1987	DE	

EXAMINER

DATE CONSIDERED

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.